

**PLANNING COMMISSION  
AGENDA  
January 15, 2013 - 3:00 PM  
Council Chambers - Rouss City Hall**

**1. POINTS OF ORDER**

- A. Roll Call (Mr. Youmans)
- B. Election of Officers (Mr. Youmans)
- C. Committee Appointments (Commission Chairman from this point forward)
- D. Approval of Minutes – December 18, 2012 regular meeting
- E. Correspondence
- F. Citizen Comments
- G. Report of Frederick Co Planning Commission Liaison

**2. PUBLIC HEARINGS**

- A. **CU-12-597** Request of Shenandoah Personal Communications, LLC for a conditional use permit for a telecommunications facility at 119-129 North Loudoun Street (*Map Number 173-01-F-26*) zoned Central Business (B-1) District with Historic Winchester (HW) District overlay (**Mr. Grisdale**)

**3. OLD BUSINESS**

- A. **RZ-12-405** AN ORDINANCE TO CONDITIONALLY REZONE 7.74 ACRES OF LAND AT 940 CEDAR CREEK GRADE FROM RESIDENTIAL OFFICE (RO-1) DISTRICT WITH CORRIDOR ENHANCEMENT (CE) DISTRICT OVERLAY TO HIGH DENSITY RESIDENTIAL (HR) DISTRICT WITH PLANNED UNIT DEVELOPMENT (PUD) & CE DISTRICT OVERLAY. The Comprehensive Plan calls for Commerce Revitalization/Infill in this area and for the connection of Stoneleigh Drive to Cedar Creek Grade. PUD overlay allows for consideration of up to 18 dwelling units per acre. (**Mr. Youmans**)- *The public hearing was closed and decision tabled at the October 16, 2012 meeting. Decision was tabled at applicant's request at the November 20, 2012 and December 18, 2012 meetings.*

**4. NEW BUSINESS**

**5. ADJOURN**

**CU-12-597** Request of Shenandoah Personal Communications, LLC for a conditional use permit for a telecommunications facility at 119-129 North Loudoun Street (*Map Number 173-01-F-26*) zoned Central Business (B-1) District with Historic Winchester (HW) District overlay.

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#### REQUEST DESCRIPTION

The applicant is proposing to establish a new telecommunications facility by adding six (6) antennas to the brick façade of the fly-tower portion of the Taylor Hotel property at 119-129 North Loudoun Street.

#### AREA DESCRIPTION

The subject parcel is located adjacent to the pedestrian walking mall at 119-129 North Loudoun Street, known as the Taylor Hotel property. The parcel is zoned Central Business (B-1) District with Historic Winchester (HW) District overlay. The surrounding properties are similarly zoned. The vicinity is composed of a mixture of commercial and residential uses.



#### STAFF COMMENTS

The applicant intends to install six (6) antennas to the existing brick façade located approximately 84-feet in height on the fly-tower portion of the site as part of an upgrade of service to provide Sprint 4G wireless service to the downtown area. The applicant had also sought co-location options including the parking garages on Cameron Street, the ZeroPak warehouse, the Bank of Clarke County, as well as the George Washington Hotel. Site characteristics and/or unsuccessful negotiations resulted in each of these locations not being candidates for the facility location.

The applicant intends to minimize visual impact of the proposed antennas by camouflaging the antennas to the color of the existing brick on the fly-tower. Additionally, the applicant sought and received a certificate of appropriateness by the Board of Architectural Review during their December 6, 2012 meeting. The antennas will be installed on the face/corners of the building. Additionally, all the proposed cabling and coax will be placed within the structure to minimize visual impact. Shentel proposes installing the required radio equipment on the ground outside the north side of the building, within an existing fenced-in area. Currently, there are no other telecommunications facilities located on this site; the nearest building with telecommunications facilities is the George Washington Hotel.

#### RECOMMENDATION

The Director of Zoning and Inspections recommends approval of the request with conditions.

For a conditional use permit to be approved, a finding must be made that the proposal as submitted or modified will not adversely affect the health, safety or welfare of persons residing or working in the neighborhood nor be detrimental to public welfare or injurious to property or improvements in the neighborhood.

A favorable motion could read:

**MOVE** the Commission forward **CU-12-597** to Council recommending approval because the use, as proposed, should not adversely affect the health, safety, or welfare of residents and workers in the neighborhood nor be injurious to adjacent properties or improvements in the neighborhood. The recommended approval is subject to the following conditions:

1. Submit an as-built emissions certification after the facility is in operation;
2. The applicant, tower owner, or property owner shall remove equipment within ninety (90) days once the equipment is no longer in active use;
3. Submit a bond guaranteeing removal of facilities should the use cease.

- OR -

An unfavorable recommendation from the Planning Commission to City Council should cite the reasons why the proposal as submitted or modified could negatively impact the health, safety or welfare of those residing or working in the area and/or why it would be detrimental to public welfare or damaging to property or improvements in the neighborhood.



*Lynn Koerner – 540-335-0030  
Site Acquisition and Project Development  
Contractor for Shentel*

November 29, 2012

Mr. Timothy A. Youmans, Planning Director  
City of Winchester  
Rouss City Hall  
15 North Cameron Street  
Winchester, VA 22601

Re: Shenandoah Personal Communications LLC –  
Site CDMA731 – Winchester Downtown  
119-129 North Loudoun Street (Old Taylor Hotel)

Dear Mr. Youmans:

Shenandoah Personal Communications, LLC ("Shentel") is upgrading its wireless network to increase capacity and provide state-of-the-art Sprint 4G wireless service to the citizens of the City of Winchester. To do so, Shentel must add a new telecommunications facility ("Site") in the downtown Winchester area. Shentel has negotiated a lease agreement with the Economic Development Authority of the City of Winchester ("Authority") for the placement of a Site on its recently acquired property, formerly known as the Taylor Hotel, on North Loudoun Street. This proposed Site will increase the wireless capacity within the City of Winchester as described in more detail in the RF Brief included with the application for a Conditional Use Permit for this property.

When establishing telecommunications facilities in established downtown areas of cities, the search area required for the placement of the wireless facility is very concentrated and of limited size. Attached is a copy of the Search Area Ring ("Ring") issued for this project by Shentel's RF Engineers ("Engineers"). The review of properties located within the Ring was conducted considering structures both inside and just outside the Ring.

In addition to the Authority's property, several other locations were considered, including the parking garages on Cameron Street, the Zero Pak warehouse, the Bank of Clarke County, as well as the roof of the GW Hotel. Development of a Site on the parking garages was not feasible due to height limitations and the lack of adequate and secure locations for the placement of the radio and appurtenant ground equipment, and negotiations with the Bank of Clarke County and

Mr. Timothy A. Youmans, Planning Director  
November 29, 2012  
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the GW Hotel were unsuccessful to obtain adequate space for the radio equipment and 24/7 access that is required for the operation of a wireless facility. The Zero Pak facility was too far outside the optimal search area ring. No communication towers were identified within the search area that had the space available with the required structural integrity to support Shentel's equipment needs.

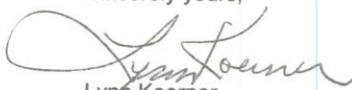
Shentel proposes to install the required radio equipment on the ground outside of the north side of the Authority's building, within an existing fenced-in area. The remaining ground equipment will replace the existing unused switching cabinets located adjacent to that fenced in area, and a matching chain link fence will be installed around the entire outside area for security. Shentel proposes to mount the antennas on the face/corners of the building, and the antennas, the mounts, and all exposed connecting cabling will be painted to match the bricks, with the appropriate color to be identified on the Site construction drawings. All coax and connecting cables will be placed located within the structure. Photo simulations depicting the proposed antennas mounted on the structure have been included in the package submitted with the Conditional Use Application, and attached hereto.

I have been working closely with our consultant, BL Companies, for the historical review process, as well as the State Historical Preservation Office to determine the best location of the antenna and the best method for concealment. I feel the concealment of the radio equipment and cables as well as the painting of the antennas, mounts and exposed cabling will have a minimal visual impact and will be compatible within the downtown historic area. As of the date of this letter, the final report has not been received but is expected any day. I will submit the final report as soon as received.

The electromagnetic fields for this Site will not exceed the radio frequency emission standards established by the American National Standards Institute or standards issued by the Federal Government, and will not adversely affect the health, safety, or welfare of persons residing or working in the neighborhood of the proposed Site. We feel that the installation of this Site will be a benefit to the citizens of Winchester and is in line with the goals of the Comprehensive Plan, and is in keeping with the interest in preservation of the historic character of Winchester..

Please contact me at (540)335-0030 should you have any questions.

Sincerely yours,



Lynn Koerner  
Site Acquisition  
and Project Development  
Contractor for Shentel

Attachments



**RZ-12-405 AN ORDINANCE TO CONDITIONALLY REZONE 7.74 ACRES OF LAND AT 940 CEDAR CREEK GRADE FROM RESIDENTIAL OFFICE (RO-1) DISTRICT WITH CORRIDOR ENHANCEMENT (CE) DISTRICT OVERLAY TO HIGH DENSITY RESIDENTIAL (HR) DISTRICT WITH PLANNED UNIT DEVELOPMENT (PUD) & CE DISTRICT OVERLAY**

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**REQUEST DESCRIPTION**

The request is to change the underlying zoning of a large tract of mostly vacant land at the western limits of the City along the north side of Cedar Creek Grade from RO-1 to HR subject to proffers. While it keeps the Corridor Enhancement (CE) overlay zoning in place, it proposes to add Planned Unit Development (PUD) overlay zoning as well. The HR rezoning would permit the construction of up to 139 apartment units, assuming that the overlay Planned Unit Development (PUD) provisions and Corridor Enhancement (CE) provisions are met. The applicant has provided an updated Conceptual Site Layout Plan dated December 3, 2012 depicting 132 apartment units in seven three-story buildings and 3 four-story buildings. A separate building housing management and maintenance offices as well as recreational amenities is proposed out close to Cedar Creek Grade along with a combination tennis/basketball court. The outdoor recreational facility and adjoining open space would be proposed for conveyance to the City as public parkland.

**AREA DESCRIPTION**

The subject parcel contains a vacant single-family residence and some agricultural structures. This parcel and one residentially used property immediately to the east comprise an existing RO-1 district. Along with numerous other properties throughout the City, these two properties were rezoned by the City (i.e. not at property owner request) in the 1990's in an effort to stem what was then viewed as undesirable multifamily rental housing. Land to the north and further to the east is zoned HR and contains multifamily development as well as townhouse development. Land to the south fronting along Cedar Creek Grade is also zoned HR and contains single-family residences.



Land to the west is situated in Frederick County. The adjoining Frederick County parcel owned by Greystone Properties, LLC was conditionally rezoned from Rural Areas (RA) to Residential Planned Community (R4) by Frederick County along with other properties including a larger tract owned by Miller & Smith about five years ago. The 360-acre Willow Run project is slated for 1,390 residential units as well as 36 acres of commercial uses. The Greystone Properties portion of the larger Willow Run project is primarily single-family attached (i.e. townhouse) residential and age-restricted housing. It includes a spine road (Birchmont Dr) that connects Cedar Creek Grade with the extension of Jubal Early Drive to the north. That connection is required to be built prior to the 200th residential permit being issued. A public street connection to Cidermill Lane from the County spine road is also part of the approved Willow Run project. Cidermill Lane is currently being extended to the County line as part of the last phase of the Orchard Hill townhouse development.

## COMMENTS FROM STAFF

This request was first presented at a public hearing by the Planning Commission on October 16, 2012. The matter was tabled at the applicant's request during the November and December 2012 regular meetings of the Commission pending a traffic impact study. The applicant had requested that the Planning Commission public hearing be delayed from September 2012 until October of 2012 so that additional information could be provided to the City with respect to potential impacts caused by school-aged population generated from developments where there are two- and three-bedroom units. That information was subsequently provided to the Planning Director via email from Mr. Thomas Moore Lawson, on behalf of the applicant as an enclosure with a September 21, 2012 email (see attached).

In a letter (see attached) to the Planning Director dated August 15, 2012, Mr. Bob Cocker, Manager for the applicant (Valley View Management, LLC) explains the proposed rezoning and the proposed Racy Meadows Apartment Complex project. The applicant also provided an original Proffer Statement (see attached) dated August 16, 2012 which is addressed further below in the comments from staff. Along with the letter and Proffer Statement, an updated exhibit dated 12/3/12 and titled 'OVERALL SITE PLAN, CONCEPTUAL LAYOUT and TRAFFIC PATTERN PLAN,' was also submitted on 12/10/12 and supersedes the original exhibit titled 'CONCEPTUAL SITE LAYOUT PLAN Rezoning Exhibit "A"' dated 8/6/12.

### Comprehensive Plan Consistency

The Character Map contained in the adopted Comprehensive Plan calls for a Commerce Revitalization/Infill in this area and for the connection of Stoneleigh Drive to Cedar Creek Grade. PUD overlay allows for consideration of up to 18 dwelling units per acre, which in the case of 7.74 acres would translate to a maximum of 139 dwelling units. The applicant is proposing 132 dwelling units in addition to a building housing management offices and common recreational amenities. The Comprehensive Plan also calls for increased multifamily development citywide to attract young professionals and empty nesters. The proposed upscale apartments would serve these targeted populations.

The Cedar Creek Grade corridor has undergone considerable change over the past 25 years from being primarily single-family development along a two-lane roadway to becoming a mixed use corridor served by a four-lane arterial. A number of sites that were rezoned to RO-1 by the City in the 1990's were subsequently rezoned on a conditional basis to Highway Commercial (B-2) by private developers. These conditional B-2 rezonings often included restrictions on commercial uses. This effort includes the two lots along the south side of Cedar Creek Grade across from the east end of the subject Racy property where two large office buildings are situated today. Corridor Enhancement (CE) overlay zoning was established along Cedar Creek Grade in 2006.

### Potential Impacts & Proffers

As noted above, this is a conditional rezoning request wherein the applicant has voluntarily submitted proffers to mitigate potential impacts arising from the rezoning of the property from HR to HR (PUD). The August 6, 2012 Proffer Statement is structured to address six areas under the heading of Site Planning Improvements. These are: Street and Access Improvements; Interior Site Circulation; Site Development; Landscaping and Design; Recreation; and, Stormwater Management. The last paragraph of the Proffer Statement binds the developer to develop the site in accordance with the Conceptual Site Layout Plan, Rezoning Exhibit "A" dated August 6, 2012.

At the October 16, 2012 meeting, the applicant was asked by the Planning Commission to conduct a Fiscal Impact Analysis and a Traffic Impact Analysis which are two studies that can be required by the Planning Commission for a PUD rezoning application per Sections 13-4-2.2k and l of the Zoning Ordinance.

#### Fiscal Impact Analysis

The multifamily (i.e. non-commercial) project, from a land use perspective, is inconsistent with the adopted Comprehensive Plan. As noted above, the Commission requested a Fiscal Impact Analysis showing the impacts on City revenue and expenditures generated by the project as compared to revenue and expenditures arising from development allowed under the current RO-1 development. While the current RO-1 zoning permits office development which generates no school-aged population, it also permits single-family residential homes at a density of 4.3 units per acre which is between the current LR and MR residential district densities. Single-family homes tend to generate more school-aged population than multifamily units, but there would be many fewer single-family homes possible under the current RO-1 zoning than possible under the proposed HR zoning.

The proposed conditional HR(PUD) zoning would permit no commercial office development, but would instead yield 132 apartment units, primarily consisting of two-bedroom units. However, the applicant is asking that some of the units be allowed to have three bedrooms, which might increase the likelihood of school-aged population. The additional support material provided by Mr. Lawson on behalf of the applicant notes that the 300 units of similar apartment development in Stuart Hill (180 units) and Pemberton Village (120 units) only generate 4 elementary students, 1 middle school student, and 4 high school students. This was determined based upon students picked up at City school bus stops serving these developments. It is possible that some students are transported to the public schools by other means.

#### Traffic Impact Analysis

At the October 16, 2012 meeting, the Commission also required a Traffic Impact Analysis. This is appropriate given the close proximity to the Frederick County corporate limits where VDOT has authority to require review of rezonings that create a certain threshold of additional traffic above that generated by the current zoning. A Traffic Signal Warrant Study dated 12/4/12 was submitted on 12/10/12 to the Planning Director and to the Public Services Director, Perry Eisenach. The Warrant Study concluded that a traffic signal would not be warranted at the proposed intersection of Cedar Creek Grade and the extension of Stoneleigh Drive, even if situated opposite of the existing Cedar Creek Grade/Stone Ridge Rd intersection. The Public Services Director reviewed the study and agreed with the findings.

The Traffic Signal Warrant Study included an analysis of Trip Generation based upon four different Development Scenarios. The figures are contained in Table 1 on page 6 of the Study (See attached Table 1). The proposed scenario, calling for 132 apartment units, would generate 94 trips in the PM Peak Hour and an Average Daily Traffic (ADT) volume of 980 trips. If the 7.74 acres were instead developed with by-right office development consisting of upwards of 120,000 square feet of medical-dental office development, then it would generate 424 trips in the PM Peak Hour and an ADT volume of 4,692 trips (about 4.8 times the amount of traffic generated by the development proposed with the rezoning). If the site was rezoned to HR District without the proposed PUD overlay zoning, then it would support upwards of 108 multifamily units. This development would generate 77 trips in the PM Peak Hour and an ADT volume of 799 trips. Staff has not observed problems at intersections such as Harvest Drive and W. Jubal Early Dr where considerably larger numbers of apartments, retirement cottages, assisted living, and conventional single-family units are linked to major streets in the City.

Based upon the updated Development Plan, the development is now proposed to include a private extension of Stoneleigh Drive connecting with another private drive that then intersects Cedar Creek Grade at an unsignalized intersection located approximately 240 feet west of the Harvest Drive intersection. This new location is where the existing driveway into the adjoining Horton property is currently located. That driveway would be eliminated under the proposal and a connection to the Horton property would be provided from a point internal to the Racey Meadows development north of the existing Horton residence closest to Cedar Creek Grade. The original Development Plan aligned the



private extension of Stoneleigh Drive with Stoneridge Rd providing access to the Harvest Ridge residential development on the south side of Cedar Creek Grade.

The revised street location reduces impacts on the Harvest Drive neighborhood and provides for a less direct connection to the public portion of Stoneleigh Drive in the Orchard Hill neighborhood. It also provides for improved sight distance to the west as compared with the previous alignment. It will, however, require the granting of an exception by City Council to allow for the new private street to be situated within 300 feet of the existing Harvest Drive intersection. The Commission may wish to ask for additional study of how the addition of this 3-way intersection would impact traffic flow in the area. At a minimum, a dedicated left-turn lane eastbound should be constructed.

Alterations were made to traffic flow on Cedar Creek Grade at Stoneridge Rd intersection after VDOT had widened the road from two lanes to four lanes in 1993. The alteration decreased the capacity of Cedar Creek Grade by converting one of the two eastbound lanes and one of the two westbound lanes approaching Stoneridge Rd into right-turn and left-turn lanes respectively. That change essentially reduced Cedar Creek Grade down to a single through lane eastbound and westbound at that one location.

The applicant is proffering to extend a private roadway northward to connect with another private roadway internal to the apartment development. It would also connect to the privately-owned portion of Stoneleigh Drive serving the existing Summerfield Apartment development. Summerfield Apartments were approved with improved access only to the north connecting with the public portion of Stoneleigh Dr in the Orchard Hill townhouse development. The developer of the Summerfield Apartment development offered to extend Stoneleigh Drive as a public street southward to allow for an orderly extension of that street ultimately to Cedar Creek Grade once the Racey property was developed. Due to strong opposition from adjoining Orchard Hill residents, City Council turned down a subdivision proposal in 1997 that would have extended the public street, but the apartment development site plan was nonetheless approved relying solely upon access to Harvest Drive, a Category II Collector Street via local (Category I) streets within the Orchard Hill development.

As noted above, the Comprehensive Plan calls for the orderly extension of roadway connecting the Summerfield and Orchard Hill neighborhoods to Cedar Creek Grade. This allows for improved traffic flow and improved service delivery for City services such as fire and rescue, police, school buses, and refuse, yard waste, and recycling pickup. It also implements the New Urbanism principle of an interconnected grid street network advocated in the Comprehensive Plan and avoids undesirably long an inefficient single-access point development typical of 1960's – 1990's suburban sprawl. Total traffic on any one street is reduced since residents do not have to drive through other neighborhoods to get to the major streets in the City. The applicant is also proffering traffic calming measures along the proposed private roadway.

#### Site Development and Buffering

The updated Conceptual Site Layout Plan depicts 132 apartment units in seven three-story buildings and 3 four-story buildings. Proffers #3 & 4 address Site Development as well as Landscaping and Design. Two of the 3 four-story buildings would back up to the Summerfield Apartment development along the northern boundary furthest from Cedar Creek Grade. The third four-story structure is located along the west side of Stoneleigh Dr. Per the proffered layout, all of the buildings would be situated at least 25 feet away from any exterior property line and at least 50 feet away from Cedar Creek Grade. The closest apartment building is now 135 feet away from Cedar Creek Grade. Proffer #3 provides detailed information about separations between buildings on the site. Proffer #4 provides detailed information about the landscaped buffers, including the quantity of evergreen and deciduous trees required. Staff would encourage the applicant to be more specific about the extent of upright evergreen screening of the two buildings backing up to the Horton property to the east.

### Recreation and Open Space

Proffer #5 addresses recreational amenities and open space. The applicant is proposing combination basketball court and tennis court situated out close to Cedar Creek Grade just west of the building that would house management offices as well as some indoor recreation use. Since the facility overlaps, it can only be used at one time as either a half-court basketball facility or a tennis court- not both. A single facility for a multifamily development of this size is on the low end of facilities provided per dwelling unit. The applicant should clarify what additional active recreational amenities are proposed in the community building or elsewhere within the development.

The proffers and the plan also call for an 8-foot wide asphalt trail extending through the active recreational area out along Cedar Creek Grade. The revised layout provides for a longer continuous segment of multipurpose trail west of the private street intersection. The applicant is proposing to convey the active recreation structures (except for the community building) to the Winchester Parks & Recreation Department (WP&RD) to become a part of a citywide satellite park system. The proffer should probably be reworded to have the facilities conveyed to the City of Winchester rather than to WP&RD.

### Stormwater Management

Proffer #6 addresses the impacts of stormwater management and the applicant's measures to mitigate the potential impacts. A detailed stormwater analysis would be generated by the applicant and reviewed by the City at the time of site plan. It is intuitive that the applicant's proposed layout which, in many places, calls for a 75-foot wide green buffer at the low end of the site adjoining Cedar Creek Grade is superior to any plan allowed by right under current zoning that would permit impervious coverage consisting of office buildings and parking lots situated as close as 35 feet of the public right of way line.

### Project Phasing

The applicant has not indicated any proposal to phase the project as part of the PUD rezoning. If the applicant proposes to obtain occupancy of any of the units prior to the entire development being completed, then that should be noted as required per Section 13-4-2.2h. Any phasing plan should clearly note the timing of the roadway connection to Summerfield Apartments and the completion of the recreational amenities relative to occupancies of any units.

### Other Issues

The applicant should review all of the requirements for a complete PUD proposal as spelled out in Section 13-4 of the Zoning Ordinance. Among the Development Plan requirements are the following:

- Topographic Map
- Land Use plan showing the height of structures
- Width of all streets, driveways and loading areas
- Approximate location of existing and proposed utilities
- A plan or statement detailing covenants, restrictions, and conditions pertaining to the use, maintenance and operation of common spaces
- Percentage of the Total Tract used as Open Space, and,
- A plan or report indicating the extent and timing of all off-site improvements

These additional materials should be submitted for review before the Commission makes a recommendation to City Council on the rezoning request.

## RECOMMENDATION

Staff will prepare an updated recommendation once additional information is provided to support the application, particularly as noted under the subheading of “Other Issues” above. Generally, staff feels that the proposal is consistent with many of the broader elements of the City’s long-term vision to attract more young professionals and empty-nesters to the City. The residential use of the property is compatible with the existing high-density multifamily use to the north as well as existing residential use to the east and south and the proposed residential development in Frederick County immediately to the west.

The proposed rezoning does reflect a deviation from the land use designation shown on the Character Map in the Comprehensive Plan. However, the proposed residential use and the proffered indirect extension of Stoneleigh Drive provides for a logical extension of the existing and proposed land uses in this specific segment of Cedar Creek Grade. The efforts to work joint access with the adjoining Horton property also represents good planning practice. Also, the effort by the applicant to situate the apartment buildings, at least 135 feet back from Cedar Creek Grade represents good planning. The proposal to create a satellite park along the public street frontage is also desirable from the standpoint of benefitting existing and future residential neighborhoods.

If the Commission wishes to make a favorable recommendation on the request, a motion could read:

**MOVE**, that the Planning Commission forward Rezoning **RZ-12-405** to City Council recommending approval because the proposed HR (PUD/CE) zoning, as proffered, supports the expansion of housing serving targeted populations and facilitates the extension of Stoneleigh Drive as called out in the Comprehensive Plan. The recommendation is subject to adherence with the Proffer Statement dated August 6, 2012 and the updated Development Plan titled ‘Overall Site Plan, Conceptual Layout and Traffic Pattern Plan’ dated December 3, 2012.

If the Commission wishes to make an unfavorable recommendation on the request, a motion could read:

**MOVE**, that the Planning Commission forward Rezoning **RZ-12-405** to City Council recommending disapproval because the proposed HR (PUD/CE) zoning is less desirable than the existing RO-1(CE) zoning and is inconsistent with the adopted Comprehensive Plan that calls for Commerce Revitalization/Infill in this area of the City.

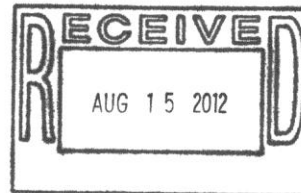
The Commission could also consider a motion to table the request until additional information is provided, particularly if the Commission feels that the submitted proffers are insufficient to adequately address the potential negative impacts arising from the rezoning.

**Valley View Management, LLC**  
817 Cedar Creek Grade, #200  
Winchester, Virginia 22601

Tel.: (540) 313-4364

August 15, 2012

Mr. Timothy P. Youmans, Director of Planning  
City of Winchester, Virginia  
15 N. Cameron Street  
Rouss City Hall  
Winchester, Virginia 22601



Re: Racy Meadows Apartment Complex  
940 Cedar Creek Grade  
Winchester, Virginia  
Tax Map: 249-01-2  
Rezoning Application: RZ-12-405

Dear Sir:

The Comprehensive Plan of the City of Winchester recommends that the area in and around the above-referenced project have an Residential Office District (RO-1) zoning. This district permits a combination of residential and light commercial uses.

This rezoning proposal is requesting that this parcel be rezoned to a High Density Residential (HR) with a Planned Unit Development District (PUD) overlay. This zoning would permit the use of multifamily residential. The RO-1 district specifically allows only the use of single-family residences. Even though this proposal varies from the existing zoning district, it does provide a similar type of housing to what exists on the adjacent property to the north and generally conforms to the use of mixed housing types in the area. The RO-1 district also promotes the use of light commercial developments and related service facilities. This proposal does not have a commercial element as part of the development, but instead proposes to install a recreational facility that will be transferred to the Winchester Parks and Recreation Department for public use. This type of facility is desired as part of the RO-1 district and we feel will be welcomed by the local residents and the tenants of this development to a much greater extent than a commercial use.

This proposal to develop the above-referenced project into an HR district with a multifamily use and a PUD overlay generally conforms to the Comprehensive Plan of the City of Winchester by allowing a varied residential use in this area and by providing a public park for the local residents. A commercial use on this property could have an adverse effect on the

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Mr. Timothy P. Youmans, Director of Planning  
City of Winchester, Virginia

August 15, 2012  
Rezoning Application: RZ-12-405

neighborhood due to its lighting, potential late night use, and noise generation. The provision for a public park, in lieu of a commercial element, can be controlled by the hours of permitted use and will generally serve all of the local residents by providing a recreational facility in their immediate area for convenience.

Thank you for your attention to this matter. If you would have any questions or would require further information please do not hesitate to contact me.

Sincerely,  
Valley View Management, LLC

A handwritten signature in cursive script, appearing to read "Robert A. Cocker".

Robert A. Cocker  
Manager



## LAWSON AND SILEK, P.L.C.

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POST OFFICE BOX 2740  
WINCHESTER, VA 22604  
TELEPHONE: (540) 665-0050  
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THOMAS MOORE LAWSON • [TLAWSON@LSPLC.COM](mailto:TLAWSON@LSPLC.COM)

September 21, 2012

Tim Youmans, Planning Director  
City of Winchester  
Rouss City Hall  
15 North Cameron Street  
Winchester, VA 22601

Re: Racy Meadows Apartment Complex  
Rezoning Application: RZ-12-405  
Our File No. 890.007

### VIA E-MAIL

Dear Tim:

As you know as part of the above-referenced rezoning application submitted by Valley View Management LLC, there have been questions raised about the number of school children that are generated by apartment complexes in the City of Winchester. In response, our client has found that at its, and at other market-rate apartment complexes, the number of school children generated is very small, especially when compared to other apartment complexes in the City. To further confirm this understanding we have had conversations with Winchester Public Schools and obtained bus stop counts for the number of children being generated at various apartment complexes around the City. For your convenience, we enclose that information.

The net of this is that our client's understanding has been proved correct. We find this information to be very helpful and hopefully dispersive of any concerns about the number of school children being generated by market-rate apartment complexes. After you have reviewed this information please do not hesitate to give me a call with any questions. In the interim, I would ask that this be placed in the rezoning application file for consideration by members of Council.

Thank you for your attention to these matters. I look forward to working with you on this rezoning.

Very truly yours,

/s/ Thomas Moore Lawson

Thomas Moore Lawson

TML:sih

Enclosure

cc: Valley View Management LLC

FRONT ROYAL ADDRESS: POST OFFICE BOX 602, FRONT ROYAL, VIRGINIA 22630, TELEPHONE: (540) 635-9415 • FACSIMILE: (540) 635-9421 • E-MAIL: [JSILEK@LAWSONANDSILEK.COM](mailto:JSILEK@LAWSONANDSILEK.COM)

**Stuart Hill and Pemberton Village**

School Bus Stops serving these apartments:

Bus Stop Number	Headcount 2011-2012	Headcount 2012-2013
F-44	2	4
D-159	2	1
JH-62	12	4

**Summerfield**

School Bus Stops serving these apartments:

Bus Stop Number	Headcount 2011-2012	Headcount 2012-2013
F-35	1	1
D-154	0	1
JH-64	8	3

**2265 Wilson Boulevard**

School Bus Stops serving these apartments:

Bus Stop Number	Headcount 2011-2012	Headcount 2012-2013
F-47	11	12
D-108	9	10
D-109	4	4
JH-67	6	6

**Treetops Park**

School Bus Stops serving these apartments:

Bus Stop Number	Headcount 2011-2012	Headcount 2012-2013
F-28	0	0
D-184	0	0
JH-101	1	1

**York Terrace**

School Bus Stops serving these apartments:

Bus Stop Number	Headcount 2011-2012	Headcount 2012-2013
F-69	11	16
D-187	10	12
D-188	12	10
JH-102	20	30

**Peppertree Apartments and Orchard Crest Apartments**

School Bus Stops serving these apartments:

Bus Stop Number	Headcount 2011-2012	Headcount 2012-2013
F-30	22	25

F-31	27	27
D-104	0	0
D-105	1	2
D-106	12	24
D-107	12	10
JH-79	21	26

**Woodstock Terrace and Morgan Apartments**

School Bus Stops serving these apartments:

Bus Stop Number	Headcount 2011-2012	Headcount 2012-2013
Q-38	25	28
Q-27	23	23
Walking Zone for Daniel Morgan		
JH-31	25	38

**RACY MEADOWS APARTMENT COMPLEX  
REZONING REQUEST PROFFER  
(Conditions for this Rezoning Request)**

**Tax Map Number: 249-01-2  
Owner: Lester E. Racey & Hilda C. Racey  
Applicant: Valley View Management, LLC**

**August 6, 2012**

**Property Information**

The undersigned applicant hereby proffers that in the event the Council of the City of Winchester (Council) shall approve the rezoning of 7.74 acres from Residential Office District (RO-1) to High Density Residential District (HR) with a Planned Unit Development District (PUD) overlay and maintaining the Corridor Enhancement District (CE), then development of the subject property shall be done in conformity with the terms and conditions as set forth herein, except to the extent that such terms and conditions may be subsequently amended or revised by the applicant and such be approved by the Council in accordance with Virginia law. In the event that such rezoning is not granted, then these proffers shall be deemed withdrawn and have no effect whatsoever. These proffers shall be binding upon the applicant and their legal successor or assigns.

Any and all proffers and conditions, accepted or binding upon the aforementioned property, as a condition of accepting these proffers, shall become void and have no subsequent affect.

**Site Planning Improvements**

The undersigned applicant, who is acting on behalf of the owners of the above described property, hereby voluntarily proffers that, if the Council of the City of Winchester approves the rezoning, the undersigned will provide:

**1. Street and Access Improvements**

- ❖ Design and construction of approximately 830 feet of Private Street from the existing Cedar Creek Grade Right-of-Way to the private street section of Stoneleigh Drive in the Summerfield Luxury Apartment Complex to the north of this property.
- ❖ Traffic calming measures shall be installed along this private street section to lessen the adverse effects of traffic in this apartment complex development.

**2. Interior Site Circulation**

- ❖ Access shall be provided via interior driveways and drive aisles which connect to the proposed private street section to provide the needed access to Cedar Creek Grade Roadway.

**RACY MEADOWS APARTMENT COMPLEX**  
**Rezoning Request Proffer**

**3. Site Development:**

- ❖ A minimum separation distance of thirty-two feet (32') shall be maintained between all building pads.
- ❖ A minimum separation distance of sixteen feet (16') shall be maintained between all building lines and the face of curb of the adjacent parking areas.
- ❖ All building restriction setbacks in accordance with the underlying High Density Residential District (HR) shall be maintained with this development to maintain the desired setback requirements between the adjacent parcels and differing residential uses.
- ❖ No buildings shall be constructed closer than fifty feet (50') of the Cedar Creek Grade Right-of-Way.

**4. Landscaping and Design:**

- ❖ A fifty feet (50') active recreation and landscaping buffer shall be provided along the Cedar Creek Grade Right-of-Way. Twenty-five feet (25') of this buffer shall be dedicated to landscaping. Extensive landscaping shall be provided in this 25' buffer that consists of a minimum of two plants per ten linear feet with one half of the plants being evergreen and one half being deciduous. Minimum plant height, at the time of planting, shall be six feet. The landscaping plan shall be incorporated as part of the site development plans. This landscaping plan shall be approved by the Planning Commission as part of the design of these areas.
- ❖ In the other perimeter areas of the site where existing residential developments have been constructed, specifically along the eastern and northern boundary lines, an opaque screen consisting of an evergreen hedgerow or double row of evergreens shall be constructed.

**5. Recreation:**

- ❖ As stated above, a fifty feet (50') active recreation and landscaping buffer shall be provided along the Cedar Creek Grade Right-of-Way. Twenty-five feet (25') of this buffer shall be dedicated to active recreation for use by the residents of this development and the local public. The active recreation element shall consist of an eight foot (8') walking trail that will become part of the local trail system.
- ❖ Additionally, a combination tennis/basketball court shall be constructed as part of this development that shall be available for public use, as well.
- ❖ At their completion and in accordance with the directives of the Winchester Parks and Recreation Department (WP&RD), these active recreation structures shall be conveyed to the WP&RD for their use and to become part of their city-wide satellite parks system.

**6. Storm Water Management:**

- ❖ All storm water management and storm water quality facilities shall be installed underground in accordance with the standards and specifications of the Winchester Public Works Department. These facilities shall be maintained by the owner of the development and be constructed so as to secure the safety of the public at all times.



**RACY MEADOWS APARTMENT COMPLEX  
Rezoning Request Proffer**

The conditions proffered above and in accordance with the accompanying rezoning exhibit, entitled Conceptual Site Layout Plan, Rezoning Exhibit "A", dated August 6, 2012, and as prepared by Painter-Lewis, PLC, shall be binding upon the heirs, executors, administrators, assigns and successors in interest of the Applicant and Owner. In the event the Council grants said rezoning and accepts these conditions, the proffered conditions shall apply to the land rezoned in addition to other requirements set forth in the City of Winchester Code.

Respectfully submitted,

APPLICANT

VALLEY VIEW MANAGEMENT, LLC

By: Robert A. Cochran Date: August 6, 2012

PROPERTY OWNER

By: Hilda C. Roney Date: 8-14-2012

STATE OF VIRGINIA, AT LARGE

COUNTY OF Franklin, To Wit:

The foregoing instrument was acknowledged before me this 6 day of August, 2012,  
by John C. Lewis.

My Commission expires 9-30-16

Notary Public [Signature]



### Trip Generation

Trip generation for the planned apartment complex was developed from the ITE Trip Generation Manual, 7<sup>th</sup> edition. The full build-out of the project is planned to occur by the year 2014. The resulting trips generated by the project are summarized as Scenario 3 in Table 1.

In addition to the trip generation resulting from the proposed project, several other potential development types were evaluated for comparison. These are also presented in Table 1.

Table 1 Trip Generation Comparisons

Scenario 1 - Developed under current  
RO-1 w/ single family detached  
dwellings

Land Use	ITE Code	Amount	AM Peak Hour			PM Peak Hour			Avg. Daily Trips
			In	Out	Total	In	Out	Total	
Residential - single family detached (27 units)	210	27	8	23	31	23	12	35	312
Total New Trips			8	23	31	23	12	35	312

Scenario 2 - Developed under HR  
zoning w/o PUD overlay

Land Use	ITE Code	Amount	AM Peak Hour			PM Peak Hour			Avg. Daily Trips
			In	Out	Total	In	Out	Total	
Apartments (108 units)	220	108	12	45	57	50	27	77	799
Total New Trips			12	45	57	50	27	77	799

Proposed Development

Scenario 3 - Developed under HR  
zoning with PUD overlay

Land Use	ITE Code	Amount	AM Peak Hour			PM Peak Hour			Avg. Daily Trips
			In	Out	Total	In	Out	Total	
Apartments (138 units)	220	138	15	57	71	61	33	94	980
Total New Trips			15	57	71	61	33	94	980

Scenario 4 - Developed under B-2  
zoning as Medical-Dental Offices

Land Use	ITE Code	Amount	AM Peak Hour			PM Peak Hour			Avg. Daily Trips
			In	Out	Total	In	Out	Total	
Medical-Dental Office Building (120,000 sq ft FAR = .35)	720	120	280	144	424	213	319	532	4,692
Total New Trips			280	144	424	213	319	532	4,692